

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**HOLLY A. JARAMILLO,**

**Plaintiff,**

**v.**

**CIV No. 14-333-SMV**

**CAROLYN W. COLVIN,  
Acting Commissioner  
Social Security Administration,**

**Defendant.**

**STIPULATED ORDER AWARDING ATTORNEY FEES UNDER EQUAL ACCESS TO  
JUSTICE ACT (EAJA)**

THIS MATTER having come before the Court upon Plaintiff's Stipulated Motion for Attorney Fees Under Equal Access to Justice Act (Doc. # 35), the Court FINDS that the Motion should be GRANTED.

IT IS THEREFORE ORDERED that attorney fees be, and hereby are, awarded under the Equal Access to Justice Act, 28 U.S.C. § 2412(d), payable to Plaintiff in care of his attorney in the amount of \$3,500.00. *See Astrue v. Ratliff*, 130 U.S. 2521 (2010) (EAJA fees are paid to the prevailing party, not the attorney).

IT IS FURTHER ORDERED THAT, if Plaintiff's counsel receives attorney fees under both the EAJA and 42 U.S.C. § 406(b) of the Social Security Act, Plaintiff's counsel shall refund the smaller award to Plaintiff pursuant to *Weakley v. Bowen*, 803 F.2d 575, 580 (10th Cir. 1986).

DATED this 25th day of August 2015.

  
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The Honorable Stephan M. Vidmar  
United States Magistrate Judge

SUBMITTED BY:

s/ Feliz M. Martone

Feliz M. Martone  
Attorney for Plaintiff

Email approval 8/19/15

Douglas Fletcher  
Attorney for Defendant